

LEGISLATURE OF NEBRASKA
NINETY-EIGHTH LEGISLATURE
FIRST SESSION
LEGISLATIVE BILL 727

Introduced by Connealy, 16

Read first time January 22, 2003

Committee: Government, Military and Veterans Affairs

A BILL

1 FOR AN ACT relating to elections; to amend section 32-939, Reissue
2 Revised Statutes of Nebraska, and section 32-101, Revised
3 Statutes Supplement, 2002; to provide eligibility to
4 register to vote and vote for certain overseas citizens;
5 to provide for absentee voting in certain emergency
6 situations; to provide for acceptance and treatment of
7 certain absentee ballots; to harmonize provisions; and to
8 repeal the original sections.
9 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 32-101, Revised Statutes Supplement,
2 2002, is amended to read:

3 32-101. Sections 32-101 to 32-1551 and sections 2 and 3
4 of this act shall be known and may be cited as the Election Act.

5 Sec. 2. If a person who is a citizen of the United
6 States residing outside the United States and who has not resided
7 in the United States has a parent who is a registered voter within
8 the state, such person shall be eligible to register to vote and
9 vote in the county in which his or her parent is a registered
10 voter.

11 Sec. 3. The Secretary of State may prescribe, by
12 emergency order or rule, such special procedures or requirements as
13 may be necessary to facilitate absentee voting by citizens who are
14 eligible to vote in the state but who are directly affected by a
15 national or local emergency or other situation which makes
16 substantial compliance with the Uniformed and Overseas Citizens
17 Absentee Voting Act impossible or unreasonable, such as a natural
18 disaster or an armed conflict involving United States Armed Forces,
19 or mobilization of those forces, including the State National Guard
20 and Reserve components of this state.

21 Sec. 4. Section 32-939, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 32-939. (1) The persons listed in this subsection who
24 are residents of Nebraska but who reside outside the United States
25 shall be allowed to simultaneously register to vote and make
26 application for absentee ballots for all elections in a calendar
27 year through the use of the Federal Post Card Application or a
28 personal letter which includes the same information as appears on

1 the Federal Post Card Application:

2 (a) Members of the armed forces of the United States and
3 their spouses and dependents residing with them;

4 (b) Citizens temporarily residing outside of the United
5 States and the District of Columbia; and

6 (c) Overseas citizens.

7 (2) An omission of required information, except the
8 political party affiliation of the applicant, may prevent the
9 processing of an application and mailing of absentee ballots. The
10 request for absentee ballots and registration forms shall be sent
11 to the election commissioner or county clerk of the county of the
12 applicant's residence at any time in the same calendar year but
13 prior to any election. If so requested, absentee ballots may be
14 sent for all elections held in the county in that calendar year.

15 (3) Any person meeting the criteria listed in subsection
16 (1) of this section and casting a ballot by either the use of the
17 Federal Write-In Absentee Ballot or the special absentee ballot
18 described in section 32-808 may receive the ballot and return the
19 cast ballot by facsimile or other electronic means. The Federal
20 Write-In Absentee Ballot may be used for all elections. If a
21 person casting a ballot using the Federal Write-In Absentee Ballot
22 is not a registered voter, the information contained on the Federal
23 Write-In Absentee Ballot transmission envelope shall be treated as
24 a voter registration application.

25 Sec. 5. Original section 32-939, Reissue Revised
26 Statutes of Nebraska, and section 32-101, Revised Statutes
27 Supplement, 2002, are repealed.